

REMARKS

I. Introduction

Applicant encloses certified copies of both German priority documents DE 103 13 666.5, filed March 26, 2003 and DE 103 30 681.1, filed July 8, 2003. Applicant has amended claims 1 and 16 so that claims 11, 13, and 16 consistently recite a "steam outlet".

II. 35 U.S.C. §102(b) rejection - Ochi

Claims 11 - 13, 15 - 21, and 23

Independent claims 11 and 18 define a steam treatment device and a head for a steam treatment device. Both claims include a boiling chamber defining a steam outlet and an inflow pipe which runs, at least in part, adjacent to the steam outlet. The inflow pipe delivers water to the boiling chamber, which boils the water to produce steam. In addition, the proximity of the inflow pipe to the steam outlets provides an effective foam break, by breaking up bubbles exiting the boiling chamber steam outlets before the hot bubbles can enter the delivery pipe. (Specification, pages 3-4).

Ochi is directed to a facial beauty device. The device sprays cool water from a reservoir (3) through a nozzle (8) into a hood (10). (Ochi, Col. 3, lines 57 - 68). In addition, the device sends a mist (generated by physically oscillating the water) through a delivery tube (17) into the hood (10). A heater (16) heats the mist before it enters the hood (10). (Ochi, Col. 4, lines 52 - 62).

A person places their face against an opening (11) defined in the hood (10). The cool water spray and the already hot mist thereby contact and treat the face. (Ochi, Col. 3, lines 36 - 47). The resulting condensation collects in a receiving dish (12, 217) which must be manually removed to throw away the used water, after the hood is first removed (Ochi, Col. 4, lines 9 - 12; Col. 15, lines 41-45).

The cooling spray from the nozzle (8) located in the hood (10) serves a "primary object" of Ochi: to provide a device "which is capable of not only warming the facial skin but also of cooling and washing the facial skin." (Col. 1, lines 53 - 57). The hood (10) provides no heat at all. Instead, the water spray is cool and the heater (16) generates the warming mist. Furthermore, a person would not voluntarily expose delicate skin to contact with boiling water. In other words, the hood (10) is not a boiling chamber.

Ochi also fails to teach or suggest the subject matter of many of the dependent claims. As one example, claim 12 recites an outflow pipe leading back to the reservoir. In Ochi, the receiving dish (12) must be manually removed and emptied - there is no outflow pipe. As a second example, claims 13 and 20 note that the steam outlet in the boiling chamber is formed from multiple openings through a side wall. As noted above, there is no boiling chamber in Ochi, let alone openings defined in the side wall of a boiling chamber. As a third example, claim 16 adds that a portion of the inflow pipe runs in a curve adjacent the outlets (thereby forming a foam brake). Furthermore, claim 21 notes that the inflow pipe curves at least partially around the boiling chamber. These features are completely absent from Ochi.

Applicant therefore respectfully submits that Ochi does not anticipate the claimed inventions and respectfully requests withdrawal of the §102 rejections.

III. 35 U.S.C. §103(a) rejection - Ochi and John

Claims 1 - 10, 14, 22, and 24

The office action relies on John to show a herb pot. Nevertheless, the Ochi-John combination (even assuming motivation to combine the two references) would not disclose the claimed subject matter. As noted above, Ochi fails to teach or suggest many features which are also present in claims 1 - 10, 14, 22, and 24. Although John shows a steam treatment device with a reservoir (11), heating electrodes (38, 39), and a permeable container (24), John does not fill in the gaps needed to disclose or even suggest the claimed subject matter.

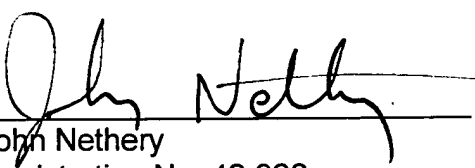
In particular, the Ochi-John combination fails to disclose many of the features present in claims 1 - 10, including an inflow pipe through which cold water passes into the boiling chamber, a backflow pipe through which surplus water flows from a collecting chamber to the reservoir, and an outflow in the collecting chamber. The Ochi-John combination also fails to teach or suggest a boiling chamber with steam openings in a side wall of the boiling chamber, or an inflow pipe which passes near or curves around the steam openings. As noted above, the claimed construction provides an effective foam break which stops hot bubbles from entering the delivery pipe.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejection of claims 1 - 10, 14, 22, and 24.

IV. Conclusion

The cited references do not teach or suggest the claimed subject matter either alone or in combination. The Applicant therefore respectfully submits that the pending Claims are allowable. The Examiner is invited to contact the undersigned attorney for the Applicant by telephone if the Examiner has any questions, comments, or concerns, or if a telephone conference would expedite examination of this application.

Respectfully submitted,


John Nethery
Registration No. 42,928
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200